

To proceed on appeal *in forma pauperis*, petitioner must show that his appeal is taken in good faith and that he lacks the financial ability to pay the required fees. *See* 28 U.S.C. § 1915(a)(1) & (3); *McIntosh v. United States Parole Comm’n*, 115 F.3d 809, 812 (10th Cir. 1997). Having reviewed the record, the court finds petitioner has not presented a reasoned, nonfrivolous argument for appeal, and the appeal is not taken in good faith. Therefore, he

is not entitled to proceed on appeal without prepayment of the filing fee. Petitioner is directed to forward the \$455.00 filing fee to the Court Clerk within twenty (20) days.

**IT IS FURTHER ORDERED** that the Court Clerk send a copy of this order to petitioner's custodian and the trust fund officer at his institution.

**ACCORDINGLY**, petitioner is denied a certificate of appealability, and his motion for leave to proceed *in forma pauperis* on appeal [Docket #50] also is denied.

**IT IS SO ORDERED** this 8<sup>th</sup> day of June 2009.



James H. Payne  
United States District Judge  
Eastern District of Oklahoma